



KIMBERLEY DRISCOLL
MAYOR

CITY OF SALEM, MASSACHUSETTS

BOARD OF APPEAL

120 WASHINGTON STREET, 3RD FLOOR
SALEM, MASSACHUSETTS 01970

TELEPHONE: 978-745-9595

FAX: 978-740-9846

2011 AUG -3 A 11: 14

CITY CLERK, SALEM, MASS

August 3, 2011

Decision

City of Salem Zoning Board of Appeals

Petition of MARC TRANOS requesting relief per Section 3.3.4 of the Salem Zoning Ordinance to extend a nonconforming structure. Proposed addition will have a side yard setback of 5' and add a 3rd story living space on the property located at 47 MEMORIAL DRIVE (R-1 Zoning District).

A public hearing on the above Petition was opened July 20, 2011, pursuant to Mass General Law Ch. 40A, § 11. The hearing was closed on that date with the following Zoning Board of Appeals members present: Rebecca Curran (Chair), Elizabeth Debski, Richard Dionne, Jamie Metsch, and Bonnie Belair (alternate).

Petitioner seeks a Special Permit and Variance pursuant to Section 3.3.4 of the City of Salem Zoning Ordinances.

Statements of fact:

1. The petitioner represented himself at the hearing.
2. In a petition date-stamped June 29, 2011, petitioner requested dimensional Variances under Section 4.1 of the Zoning Ordinance in order to extend his nonconforming single-family house by demolishing a portion of it, constructing a new addition, raising the roof elevation and adding a new dormer. However, the Building Commissioner determined that relief was required under Section 3.3.4 instead.
3. At the hearing on July 20, 2011, two direct abutters indicated their support for the project. No one spoke in opposition.

The Board of Appeal, after careful consideration of the evidence presented at the public hearing, and after thorough review of the plans and petition submitted, makes the following **findings**:

1. Desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the zoning ordinance.
2. In permitting such change, the Board of Appeals requires certain appropriate conditions and safeguards as noted below.

On the basis of the above findings of fact and all evidence presented at the public hearing including, but not limited to, the Plans, Documents and testimony, the Zoning Board of Appeals **concludes**:

1. A Special Permit and Variance per Sec. 3.3.4 of the Salem Zoning Ordinance to extend a nonconforming structure are granted.

In consideration of the above, the Salem Board of Appeals voted, five (5) in favor (Curran, Debski, Dionne, Metsch and Belair) and none (0) opposed, to grant petitioner's request for relief under Section 3.3.4 subject to the following **terms, conditions, and safeguards**:

1. Petitioner shall comply with all city and state statutes, ordinances, codes and regulations.
2. All construction shall be done as per the plans and dimensions submitted to and approved by the Building Commissioner.
3. All requirements of the Salem Fire Department relative to smoke and fire safety shall be strictly adhered to.
4. Petitioner shall obtain a building permit prior to beginning any construction.
5. Exterior finishes of the new construction shall be in harmony with the existing structure.
6. A Certificate of Inspection is to be obtained.
7. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to, the Planning Board.
8. Unless this Decision expressly provides otherwise, any zoning relief granted does not empower or authorize the Petitioner to demolish or reconstruct the structure(s) located on the subject property to an extent of more than fifty percent (50%) of its floor area or more than fifty percent (50%) of its replacement cost at the time of destruction. If the structure is demolished by any means to an extent of more than fifty

percent (50%) of its replacement cost or more than fifty percent (50%) of its floor area at the time of destruction, it shall not be reconstructed except in conformity with the provisions of the Ordinance.

9. The façade will be adjusted to be three-dimensional, protruding from the house at least 2" on both sides.



Rebecca Curran, Chair
Salem Board of Appeals

A COPY OF THIS DECISION HAS BEEN FILED WITH THE PLANNING BOARD AND THE CITY CLERK

Appeal from this decision, if any, shall be made pursuant to Section 17 of the Massachusetts General Laws Chapter 40A, and shall be filed within 20 days of filing of this decision in the office of the City Clerk. Pursuant to the Massachusetts General Laws Chapter 40A, Section 11, the Variance or Special Permit granted herein shall not take effect until a copy of the decision bearing the certificate of the City Clerk has been filed with the Essex South Registry of Deeds.